



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Mamie E. Locke, Chair  
Delegate Marcus B. Simon, Vice-Chair

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney

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**October 21, 2020**

**2:00 PM**

**Virtual Meeting**

[Click here to access the meeting.](#)

**PROPOSED AGENDA (Annotated)**

**Criminal Incident Information Subcommittee  
of the Virginia Freedom of Information Advisory Council**

- 1. Call to Order, introduction of members.**
- 2. Bills referred by the 2020 Special Session I of the General Assembly.** *The following bill was referred to the subcommittee for study, as summarized below.*
  - **House Bill 5090. Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files.** Adds criminal investigative files, defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill also allows a law-enforcement agency or attorney for the Commonwealth to petition a court of record for permission not to release criminal incident information that would otherwise be subject to release, if the release of such information is likely to jeopardize an ongoing investigation or cause certain other harms.
- 3. Public Comment.**
- 4. Discussion.**
- 5. Recommendations.**
- 6. Other Business.**
- 7. Adjournment.**

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**Subcommittee Members**

**Delegate Marcus Simon  
Shawri King-Casey  
Matthew Conrad**

**Marisa Porto  
Cullen Seltzer**

**Staff**

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney